

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

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12 October 2006 (12.10.2006)

Applicant's or agent's file reference

P-6388-PC

IMPORTANT NOTICE

International application No.

PCT/US2005/006816

International filing date (*day/month/year*)

03 March 2005 (03.03.2005)

Priority date (*day/month/year*)

31 March 2004 (31.03.2004)

Applicant

INTEL CORPORATION a Delaware Corporation

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

Received

20 OCT 2006

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P-6388-PC	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/006816	International filing date (<i>day/month/year</i>) 03 March 2005 (03.03.2005)	Priority date (<i>day/month/year</i>) 31 March 2004 (31.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant INTEL CORPORATION a Delaware Corporation		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 04 October 2006 (04.10.2006)</p> <p>Authorized officer Athina Nickitas-Etienne</p> <p>e-mail: pt04@wipo.int</p>
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PATENT COOPERATION TREATY

REC'D 04 JUL 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/006816

International filing date (day/month/year)
03.03.2005

Priority date (day/month/year)
31.03.2004

International Patent Classification (IPC) or both national classification and IPC
H04L12/18

Applicant
INTEL CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/006816

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/006816

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-43
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-43
Industrial applicability (IA)	Yes: Claims	
	No: Claims	1-43

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:
D1: US-A-5 142 279 (JASINSKI ET AL) 25 August 1992 (1992-08-25)
D2: US 2003/058827 A1 (CHOW ALBERT T ET AL) 27 March 2003 (2003-03-27)
D3: EP-A-1 320 215 (TELEFONAKTIEBOLAGET LM ERICSSON) 18 June 2003
(2003-06-18)
D4: FENNER W: "RFC 2236 .Internet Group Management Protocol, Version 2"
RFC, 30 November 1997 (1997-11-30), XP002230720
2. Document **D1** discloses, according to essential features of **claim 1**,
a method comprising dividing the frequency band of a channel into two or more
frequency sub-channels to be used to transport two or more acknowledgement
signals (see in particular column 7, lines 18- 23) that acknowledge reception of data
packet transmission by a group that includes two or more stations (see in particular
column 1, line 67- column 2, line 3).

The subject-matter of claim 1 differs from that disclosed in D1 merely in that the
group message is a multicast message instead of a paging message.

However, multicast and paging are highly related concepts, both concepts defining
the transmission of identical data to a selected group. A person skilled in the art
would readily apply a teaching known from one field to the other.

Therefore, the subject-matter of claim 1 does not involve an inventive step, Article
33(3) PCT.
3. The subject-matter of the other independent claims **9, 14, 21, 28, 34, 37 and 40**, as
far as they can be understood (see VII), appears to essentially correspond to that of
claim 1. Therefore, the above objection is equally applicable to these claims.
4. Dependent claims **2 to 8, 10 to 13, 15 to 20, 22 to 27, 29 to 33, 35 to 36, 38 to 39**

and 41- 43 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because they are either known from documents **D1 to D4**, or represent design options which are obvious to a person skilled in the field of e-mail systems.

In particular, the features of most dependent claims relate to well known steps of multicasting methods, such as joining a group, retransmitting packets if receipt has not been acknowledged, etc. The different forms for the acknowledgements, such as burst or IEEE 802.11 acknowledgement, are equally well known in the art.

Authentication of multicast terminals and groups (claims **5, 18, 31**) is known e.g. from document **D2**, see in particular paragraph 139 and Fig. 9.

The allocation of sub-bands based on signal strength (claims **6, 19**) is known in wireless communication where channels are typically assigned based on measured channel quality such as signal strength. The received signal strength of the acknowledgement data transmitted on the sub-channel is the most obvious quality measure.

D3 already discloses to build groups based on geographic location. The easiest and most common way to assess location is based on received signal strength (claim **7**).

Re Item VII

Certain defects in the international application

1. Although claims **1, 9, 14, 21, 28, 34, 37, and 40** have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, these claims do not meet the requirements of Article 6 PCT.

It would have been appropriate to file a set of claims defining the relevant subject-matter in terms of a single independent claim in each category followed by dependent claims covering features which are merely optional.

2. The apparatus claims contain features, e.g. "a generator to generate", which may lead to a doubt with respect to the category of the claims. A formulation like "a generator for generating" could have been used instead (Article 6 PCT).
3. The independent claims should have been drafted in the proper two-part "characterised" form recommended by Rule 6.3.(b),(i),(ii) PCT, having a preamble that correctly reflects the closest prior art.
4. All the claims should have included reference signs in parentheses where features shown in the drawings are referred to, Rule 6.2.(b) PCT.
5. In order to meet the requirements of Rule 5.1.(a),(ii) PCT, the relevant prior art should have been acknowledged by reference and briefly discussed in the introductory part of the description.
6. The vague and imprecise statement in the last paragraph of the description implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.